IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

MFA.No. 1351 of 1995(D)

OPMV.613/1992 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, MAVELIKKARA
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APPELLANT - CLAIMANT:

K. SANKARANARAYANA PILLAI
S/O.N. KRISHNA PILLAI, KOCHUVEEDU,
KOTTARAKAVU, MAVELIKARA TALUK.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS - RESPONDENTS:
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1. **SOMASEKHARA KURUP,**
S/O. SANKARA PILLAI,
KANNIMEL HOUSE, PALA MURI,
KANNAMANGALAM VILLAGE,
MAVELIKARA.

2. **GENERAL MANAGER, KERALA STATE ROAD TRANSPORT CORPORATION, THIRUVANANTHAPURAM.**

3. **JAFFER KHAN, S/O. AHAMED KHAN, HOUSENO.11, UHION HIGH SCHOOL ROAD, COIMBATE - 001. (DELETED)**

4. **M/S. PONNAN, 18/175, UNION HIGH SCHOOL ROAD, COIMBATORE - 001.**

5. **UNITED INDIA INSURANCE COMPANY LTD. P.B. NO.54, COIMBATORE, REPRESENTED BY ITS DIVISIOINAL MANAGER, UNITED INDIA INSURANCE COMPANY LIMITED, OPPOOTTIL BUILDING, K.K. ROAD, KOTTAYAM.**

NAME OF THE THIRD RESPONDENT IS DELETED FROM THE PARTY ARRAY AS PER ORDER DATED 11.4.2007 IN I.A. NO. 752 OF 2007

BY ADV. SRI.N.JAMES KOSHY(S.C.FOR KSRTC)
SRI.M.S.PATTALI
SMT.JESSY GEORGE

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1351 OF 1995

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Dated this the 11th day of July, 2007

J U D G M E N T

Petitioner in O.P(MV) No.613 of 1992 on the file of the Additional Motor Accidents Claims Tribunal, Mavelikara, is the appellant.

2. Appellant-petitioner was travelling in a KSRTC bus. When it reached Ambalapuzha junction, a collision between the bus in which the appellant was travelling and a Lorry took place. Appellant sustained injuries. He filed the O.P. claiming compensation impleading the driver and owner of the KSRTC bus and owner, driver and Insurer of the Lorry. Tribunal found that the accident occurred due to the negligence of both the drivers. All the respondents were made jointly and severally liable for the compensation awarded. An amount of Rs.12,500/- was awarded to the petitioner. Challenging the inadequacy of the quantum of compensation awarded, petitioner has filed this appeal.

3. Findings of the Tribunal regarding negligence and

liability of the respondents have become final and conclusive. The only point arising for consideration in this appeal is whether the appellant is entitled to get any additional compensation.

4. Evidence adduced in this case shows that petitioner sustained undisplaced fracture of scapula and other fleshy injuries. According to the appellant he was working as a Senior Chargeman, Naval Aircraft Yard, Cochin and drawing a monthly salary of Rs.3,600/-. It was averred that appellant underwent treatment as an inpatient for 16 days and thereafter he was on leave till 5.11.1987. It was further averred that Tribunal did not award any amount for treatment expenses. Considering all aspects of the matter, I am of the view that at least Rs.1,500/- towards compensation for treatment expenses and Rs.3,500/- on account of loss of earning ought to have awarded by the Tribunal. So the appellant is entitled to get an additional compensation of Rs.5,000/- with 7% interest from the respondents.

In the result, appeal is allowed in part. An awarded is passed in favour of the appellant allowing him to recover and additional compensation of Rs.5,000/- with 7% interest from

the date of petition till date of realisation from the respondents. All the respondents are made liable jointly and severally for this amount also.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. 1351 OF 1995

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J U D G M E N T

11TH JULY, 2007